

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

NATHAN DINGESS,

Plaintiff

v.

Civil Action No.: 2:04-0551

JO ANNE BARNHART,
Commissioner of
Social Security,

Defendant

JUDGMENT ORDER

In accordance with the order adopting the magistrate judge's Proposed Findings and Recommendation this day entered in the above-styled civil action, it is ORDERED that:

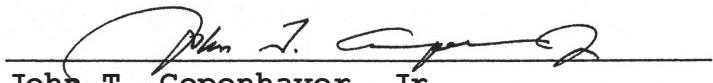
1. The final decision of the Commissioner be, and the same hereby is, reversed;

2. This case is remanded to the Commissioner, for further proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), which proceedings shall include a consideration of the requisite pain and credibility analysis, and as otherwise more fully set forth in the magistrate judge's proposed findings and recommendation; and

3. This civil action be, and the same hereby is,
dismissed and stricken from the docket of the court.

The Clerk is directed to forward certified copies of
this order to all counsel of record and the United States
Magistrate Judge.

DATED: May 27, 2005


John T. Copenhaver, Jr.
United States District Judge